IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 02.08.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.MANIKUMAR

Habeas Corpus Petition No.670 of 2006

K.Kannan ... Petitioner

Vs.

1.Mannarsamy

2.State, rep. by
The Inspector of Police,
Vazhapadi Police Station,
Salem District. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to direct respondents 1 and 2 to produce before this Court the detenue, the petitioner's wife Deepa, who is illegally detained against her will by the first respondent and set her at liberty.

For Petitioner : Mr.M.Mohanasundaram

For 1st respondent: Mr.R.Neelakandan

For 2nd respondent: Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

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O R D E R

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner by name K.Kannan, seeks direction to respondents 1 and 2 for production of the detenue Deepa, his wife, who is illegally detained against her will by the first respondent and set her at liberty.

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2. Pursuant to the direction of this Court, the detenue Deepa appeared before us. We enquired her. According to the detenue, her date of birth is 10.07.1989. If it is so, she is a minor as on date. However, in the further enquiry, she denied the claim of the petitioner. She also disputed the marriage said to have taken place between the petitioner and herself. She also informed us that she is residing with the first respondent-father on her own will. She also expressed that she is not under illegal detention or custody of any one including the first respondent.

3. In addition to this, the learned Additional Public Prosecutor informs that based on the complaint of the first respondent viz., the father of the detenue, a case has been registered against the petitioner and others under Section 366 IPC.

4. Taking note of these aspects, particularly, in the light of the assertion and statement of the detenue Deepa, we are satisfied that she is not under illegal detention or custody of the first respondent as claimed by the petitioner. Accordingly, no further adjudication is required in this petition and the same is closed. The aggrieved parties are at liberty to approach the concerned Forum to vindicate their grievance, if any.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Inspector of Police,
Vazhapadi Police Station,
Salem District.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr. M. Mohanasundaram, Advocate SR No.34322
+ 1 cc to Mr. R. Neelakandan, Advocate SR No.34375

NG(CO)
SR/8.8.2006 HCP. No.670 of 2006

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